

Town Board Minutes

September 2, 2003

Meeting No. 30

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 2nd day of September 2003, at 6:30 PM and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: RICHARD ZARBO, COUNCIL MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE
EASTPORT COMMERCE CENTER
BUILDINGS A & H SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Eastport Commerce Center (Buildings A & H) site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER STEMPIAK WHO MOVED
ITS ADOPTION, SECONDED BY PLANNING BOARD
MEMBER KORZENIEWSKI, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
EASTPORT COMMERCE CENTER
BUILDINGS A & H SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type I action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 15.5± acres.

The location of the premises being reviewed is situate at Walden Avenue, west of Pavement Road, Lancaster, County of Erie, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.
No significant adverse effects noted
 - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.
No significant adverse effects noted (Reference letter dated 9/25/02 from NYS Office of Parks, Recreation and Historical Preservation citing “no additional archaeology concerns”)
 - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.
No significant adverse effects noted
 - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.
No significant adverse effects noted
 - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.
No significant adverse effects noted
 - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.
No significant adverse effects noted
 - C.7 Other impacts (including changes in use of either quantity or type of energy).
No significant adverse effects noted
- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
- E. There is not, nor is there likely to be, controversy related to potential adverse

environmental impacts.

s/s _____
Robert H. Giza, Supervisor
Town of Lancaster

SEAL

September 2, 2003

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

September 2, 2003

**IN THE MATTER OF THE SEQR REVIEW OF
BUILDING A AND H
EASTPORT COMMERCE CENTER**

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK
WHO MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD CHAIRMAN KEYSA, TO WIT:

WHEREAS, UNILAND DEVELOPMENT COMPANY, University Corporate Center, 100 Corporate Parkway, Suite 500, Amherst, New York 14226 has submitted a Site Plan, dated August 4, 2003 and received August 5, 2003, prepared by Tredo Engineers for the development of a 15.5 acre site for two (2) light industrial buildings (111,492 g.s.f. and 117,000 g.s.f.) parking and landscaping on its property located at the Eastport Commerce Center, Buildings A and H, Walden Avenue, Eastport Drive and Eastport Crossings in the Town of Lancaster, said site being part of a greater parcel encompassing 128 ± acres which was previously the subject of a zoning change and accompanying environmental (SEQR) review, and

WHEREAS, the Planning Board reviewed the plan and at its meeting August 20, 2003, recommended approval of this project, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Municipal Review Committee reviewed the Site Plan to determine whether the proposed development is in compliance with the DEIS and Negative Declaration made hereon by the Municipal Review Committee and Town Board with regard to the development of 128 ± acre parcel which was the subject of a zoning change and environmental (SEQR) review, the specific development proposed in the site plan herein for a 15.5 acre site for two (2) light industrial buildings (111,492 g.s.f. and 117,000 g.s.f.) parking and landscaping on its property located at the Eastport Commerce Center, Buildings A and H, Walden Avenue, Eastport Drive and Eastport Crossings and has determined that the site plan is in compliance therewith.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GOBER, TO WIT:

WHEREAS, the Town of Lancaster has had under review a Comprehensive Plan for development of the Town which was originally developed as a Comprehensive Plan for not only the Town of Lancaster but also the Village of Depew and Village of Lancaster, and

WHEREAS, the Villages beforementioned have previously adopted the Comprehensive Plan as it relates to the respective Villages while the Town continued its review since the Town encompasses significant areas which remain undeveloped while the Villages essentially are built out, and

WHEREAS, the Town Board referred the proposed Comprehensive Plan to the Town Planning Board for its review and comments, and

WHEREAS, the Planning Board invested substantial time in reviewing the proposed Plan and generated written comments which are now being made a part of the Comprehensive Plan, and

WHEREAS, the Planning Board held a public hearing on the proposed Comprehensive Plan on April 9, 2001 in compliance with Section 272-(a) (6) of the Town Law for the purpose of receiving public comments, and

WHEREAS, the Town Board engaged the services of Clough, Harbour and Associates, consulting engineers, by resolution on August 6, 2001 to prepare a Draft Generic Environmental Impact Statement for purposes of the environmental review required under SEQR on a proposed Comprehensive Plan,

WHEREAS, the Town of Lancaster acted as lead agency in the SEQR review upon proper notice to other permit agencies (New York State Department of Environmental Conservation, Erie County Department of Environment and Planning and the New York State Department of Transportation), and

WHEREAS, the Town Board held public hearings on October 11, 2001 and January 29, 2002 for the purpose of receiving public comments on the proposed Comprehensive Plan, and

WHEREAS, the proposed Comprehensive Plan together with Planning Board comments of November 1, 2000 and June 6, 2001 were sent to Erie County Department of Environment and Planning on May 8, 2002, and

WHEREAS, on July 2, 2002 Clough, Harbour and Associates presented a Draft Generic Environmental Impact Statement (DGEIS) to the Town which was distributed to the Municipal Review Committee, New York State Department of Environmental Conservation, Erie County Department of Environment and Planning and the New York State Department of Transportation, and

WHEREAS, the Municipal Review Committee and the Town Board acted by resolution on August 5, 2002 accepting the DGEIS as complete and a Notice of Completion was thereafter filed as required under SEQRA with the public being given the requisite thirty (30) day regulatory period to offer written comments, said comments being accepted in the Office of the Town Clerk until 4:00 P.M., September 11, 2002, and

WHEREAS, on August 20, 2002 all Towns and Villages surrounding the Town of Lancaster were sent a complete copy of the DGEIS inviting comments to the Town of Lancaster, and

WHEREAS, the Town received responses from NYS DEC (August 9, 2002), ECDEP (September 20, 2002) and NYSDOT (November 1, 2002) which took no exception to the DGEIS, and

WHEREAS, the Town Board and Municipal Review Committee reviewed the comments received from the public, and

WHEREAS, the Town Board engaged the services of Clough, Harbour and Associates to prepare a Final Generic Environmental Impact Statement (FGEIS), and

WHEREAS, an FGEIS was received by the Town from Clough, Harbour and Associates on January 8, 2003 and reviewed by the MRC and Town Board members, and

WHEREAS, the FGEIS was forwarded to New York State Department of Environmental Conservation, Erie County Department of Environment and Planning and New York State Department of Transportation for their comments on January 10, 2003, and

WHEREAS, the Planning Board comments have been incorporated into and made a part of the proposed Comprehensive Plan with special attention drawn to the proposed location of a north-south beltway which will not be located as the Planning Board recommended but will now be illustrated in the Cemetery Road corridor running parallel to Cemetery Road northerly from the Town owned former DL & W Railroad ROW to the New York State Thruway (I-90) and south from the former DL & W rail line in the vicinity of Cemetery Road to Broadway with no extension south of Broadway, and

WHEREAS, the Municipal Review Committee and the Town Board adopted a resolution on August 4, 2003 accepting the FGEIS as complete and commencing the ten (10) day comment period required before the lead agency can act to issue its written findings

statement, and

WHEREAS, the Municipal Review Committee now desires to recommend to the Town Board that the Town Board adopt and issue a Findings Statement with regard to the FGEIS for the Comprehensive Plan;

NOW, THEREFORE, BE IT

RESOLVED, that the Municipal Review Committee hereby adopts and issues a written findings statement as set forth in the attached “Statement of Findings” said statement being made a part hereof, and incorporates its analysis and findings in this resolution and recommends the Town Board adopt such Findings Statement, and requests the Town Attorney to file this resolution with all appropriate and involved agencies in accordance with the requirements of SEQR.

This resolution shall take effect immediately.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

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ADJOURNMENT:

ON MOTION OF PLANNING BOARD CHAIRMAN KEYSA, AND
SECONDED BY COUNCIL MEMBER STEMPNIAK FOR ADJOURNMENT OF THE
MEETING, BY VOICE VOTE, which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:03 P.M.

Signed _____
Johanna M. Coleman, Town Clerk

